

REMARKS

The amendments and remarks presented herein are believed to be fully responsive to the Office Action.

Claims 1-5 and 8-22 are pending in the present application. Claims 1, 12, 20 and 21 have been amended. No new matter has been added. The independent claims recited by the present application are claims 1, 12, 20 and 21.

CLAIM REJECTIONS:

Claim Rejection under 35 U.S.C. § 103

LEGAL PRINCIPLE - To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claim combination or combine the references and the reasonable expectation of success must both be found in the prior art and not based on the Applicant's disclosure. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

With regard to the first criteria for a suggestion or motivation to modify or combine references, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing

is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1368 (Fed. Cir. 2000). Courts and patent examiners should determine whether needs or problems known in the field and addressed by the prior art references can provide a reason for combining the elements in the manner claimed. KSR Intern. Co. v. Teleflex Inc., No. 04-1350, 2007 WL 1237837, at 4 (Apr. 30, 2007). “In formulating a rejection under 35 USC § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” Memo on KSR Decision to Examiners issued by the United States Patent and Trademark Office, May 4, 2007. The prior art is not sufficient to establish obviousness without some objective reason to combine the teachings of the references. In re Kotzab, 217 F.3d 1368 (Fed. Cir. 2000), also see In re Sang Su Lee, 277 F.3d 1338 (Fed. Cir. 2002).

The Office Action states that claims 1-5, 8-18 and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oh (U.S. Patent Publication No. 2005/0171998) (hereinafter “Oh”) in view of Farnham et al. (U.S. Patent Publication No. 2005/0192097) (hereinafter “Farnham et al.”). Applicants respectfully traverse these rejections.

Both Oh and Farnham et al. or combination thereof fails to disclose each and every element recited in the independent claims 1, 12, 20 and 21 of the present application.

Claim 1

For example, with regard to the elements recited in claim 1, the Office Action provides a citation to Farnham et al., paragraphs [0044] and [0065] as follows:

Farnham teaches: a user behavior pattern database, the user behavior pattern database storing at least one behavior pattern classification reference for classifying user behavior patterns and game behavior pattern information of the users (g 4, par 44); the game server determining game behavior patterns of the respective users who play the game by using the at least one behavior pattern reference stored in the user behavior pattern database, and the game server storing the determined game behavior patterns in the user behavior pattern database. (pg 8, par 65)

Further, the cited paragraphs of Farnham et al. recite as follows:

[0044] A profile for a user can be any type of a number of different parameters associated with the user. For example, the profile may contain technical capabilities of the user (such as computer speed and connection speed), general skill level information of the user (such as novice in one game while expert in another), play style information of the user (such as competitiveness, aggressiveness, profanity), and/or personal attributes of the player (such as age, income, educational background, occupation, home state). Further examples of play style information and personal attributes are described below. In response to determination step 204, if a profile is found to exist for the user, the profile is loaded at step 206. A determination is made as to whether a game category, game type, and/or game has been selected by the user and/or whether the system has automatically selected a game category, game type, and/or game at step 208 and, if so, the user is matched to other users/players to play a game of the game category, a game of the game type, or the game based at least in part upon the profile of the user at step 210. It should be understood by those skilled in the art that other classifications may be utilized within the matchmaking process and that the present invention is not limited to game categories, game types, and games as defined herein. Any classification could have a sub-classification. For example, a game category may be sports-based games, while a sub game category may include football based games and baseball based games. Further, an additional sub category under the football based sub category may include professional team based games, collegiate team based games, and street based games.

Further, sub game types may include different versions of the same manufactured game, such as "FOOTBALL EXTREME" and "FOOTBALL EXTREME SPECIAL EDITION". Any number of different classification systems may be utilized in accordance with the present invention.

[0065] Collaborative filtering allows the matchmaking system to match a user to a particular game and/or player based upon the response received from others and the user that are associated with the user. For example, if user 1 has indicated in the past that she like to participate in sports games with Mike, and user 2 has indicated in the past that she likes to participate in sports games with user 1, the matchmaking system, by collaborative filtering, can match user 2 into a sports game with Mike based upon the associated connection with user 1. This is but one example of a relatively simple collaborative filtering method. In actual practice, there may be thousands of users and associations with different degrees of relevance and/or factoring. Under another collaborative filtering method the determination to match a user may be based upon the desires of the user herself as well as other players. For example, if user 1 is a more aggressive player, her preferences based on a one way collaborative filtering process may be to play against a less aggressive player. In a one way filter determination, user 1 may seem to be an accurate match with player 2. However, player 2 may dislike participating against more aggressive players in a gaming environment and may be a comparatively low probability collaborative filtering match with user 1. A two way collaborative filtering method may include a two way analysis to consider the weighted likelihood of enjoyment for both user 1 and player 2. In response, the matchmaking system with a two way collaborative filtering method may not match user 1 with player 2. U.S. Pat. Nos. 6,353,813 and 6,092,049 describe collaborative filtering methods that may be used with the present application. U.S. Pat. Nos. 6,353,813 and 6,092,049 are herein incorporated by reference. **(Emphasis added).**

Farnham et al. discloses a matchmaking system that matches players based upon a play style of the players, a personal attribute of the player, general skill level, and/or technical capabilities. The system matches players who are looking for games with players who prefer similar play styles. Unlike the present invention, the user profile information of Farnham et al.,

such as the play style of the players, the personal attribute of the player, the general skill level, and/or the technical capabilities, are selected and inputted by the user using a user interface, not determined based on the users' actual playing of the game. *See paragraphs [0056]-[0064] and Figs. 6A, 6B, 7A, 7B, 8A and 8B.* Thus, the matchmaking system of Farnham et al. allows a user to be matched with another user based upon the information inputted by the user.

Whereas, the claimed invention would prevent collaborative users for deceit from plotting together to enter a same game room. To achieve the goal, the claimed invention as amended determines game behavior patterns of the user who play the game based on the respective users' actual playing of the game and the channel server disclosed by the present application selects one of the random channels for the game in accordance with the respective users' game behavior pattern information. The matchmaking system of Farnham et al., however, could not achieve this goal because collaborative users can be matched each other by entering or fabricating same or substantially similar user profiles. As such, Farnham et al. fails to disclose limitations recited in the independent claims 1, 12, 20 and 21 of the present application and Oh still fails to remedy the deficiencies of Farnham et al. in teaching all the elements and limitations of the claims of the present invention. Neither Farnham et al. nor Oh nor their combination disclose or teach all the elements and limitations of the claims of the present invention.

The Office Action asserts as follows:

Farnham et al. teaches using a category of whether the user is honest/trustworthy. The Office Action further asserts that it would have been obvious to a person having ordinary skill in the art to include game usage statistics and information about how a user wagers in a profile of the user for the purpose of matching the user with other users that have similar profiles.

Applicant respectfully disagrees with the Examiner's characterization of Farnham et al. First of all, the honest/trustworthy parameter disclosed by Farnham et al. cannot prevent a multiple collaborative users from accessing a same game room because collaborative deceit for the game cannot be identified when the collaborative users access the game room. Further, Farnham et al. does not teach or suggest how the collaborative deceit can be identified from the user's playing of the game.

Even assuming, for the sake of argument, that the honest/trustworthy is related to collaborative deceit, Farnham et al. fails to teach or suggest how to select one of the random channels for the game in accordance with the user's game behavior pattern that is determined based on the respective users' actual playing of the game. Referring to Farnham et al., page 5, paragraph [0048], the honest/trustworthy parameter of Farnham et al. is whether a player tends to deceive others during the game. The honest/trustworthy parameter can be determined by use of a collaborative filtering method. The collaborative filtering disclosed in Farnham et al., page 7, paragraph [0061] is "the process of aiding a person in the selection of an item based upon the evaluation made by others and/or the person and others." That is, the server determines the honest/trustworthy parameter based upon the evaluation of other users, not based upon the user's actual playing of the game. At best, Farnham et al. is nothing but an invitation to experiment with a direction on how to design the server's selection of the game channel in accordance with the user's actual playing of the game. There is simply no direction in Farnham et al. or Oh to the present invention. The only direction is through the application of forbidden hindsight.

Furthermore, Farnham et al. teaches away from a combination with any prior art reference. There is no motivation to combine if a reference teaches away from its combination

with another source. Tec Air, Inc. v. Denso Mfg. Michigan Inc., 192 F.3d 1353, 1360 (Fed. Cir. 1999). “A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set forth in the reference, or would be led in a direction divergent from the path that was taken by the applicant ... [or] if it suggests that the line of development flowing from the reference’s disclosure is unlikely to be productive of the result sought by the device.” Id. (quoting In re Gurley, 27 F.3d 551, 553 (Fed. Cir. 1994)). A prior art reference may teach away impliedly when a modification or combination would render inoperable the invention disclosed in the reference. In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984).

Likewise, in this case, Farnham et al. teaches away from its combination with the server’s selection of a game room for a user, eliminating the user’s intention. The claimed invention teaches that the game server connects a user to a game room for a game based upon the user’s actual playing of the game to prevent collaborative users from accessing the same game room for deceit. According to Farnham et al., however, the play style, such as an honest/trustworthy parameter is only considered when all the required parameters have not been selected by the user. See Farnham et al., page 5, paragraph [0047]. If all parameters have been selected by the user, the user can proceed with accessing the game room without considering the honest/trustworthy parameter (collaborative filtering). The “collaborative filtering is the process of aiding a person in the selection of an item based upon the evaluation made by others and/or the person and others.” See Farnham et al., page 7, paragraph [0061]. To the contrary, the present invention prevents the user from selecting the game room. Farnham et al. cannot be modified contrary to the teachings of the same because a person of ordinary skill, upon reading

the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. As such, Farnham et al. does not teach or suggest limitations recited in the independent claims 1, 12, 20 and 21 of the present application.

Claims 1-5 and 8-11 depend from independent claim 1 and, as such, are in allowable condition since claim 1 is clearly allowable over the cited prior art.

The other independent claims 12, 20 and 21 recite similar distinguishing elements. Thus, the same arguments apply to those claims.

Claims 12 and 20 as amended recites, among other limitations, the following limitations: determining a user's game behavior pattern for the game selected by the user based on the user's actual playing of the game. As discussed above, neither Farnham et al. nor Oh nor their combination disclose or teach these limitations of Claims 12 and 20.

Claim 21 as amended recites, among other limitations, the following limitations: the user behavior pattern database storing game behavior pattern information of the users, the game behavior pattern information of the users being determined based on the respective users' actual playing of the game. As discussed above, neither Farnham et al. nor Oh nor their combination disclose or teach these limitations of Claim 21. As such, claims 12, 20 and 21 of the present invention are in condition for allowance.

Claims 13-19 depend from independent claim 12 and, as such, are in allowable condition since claim 12 is clearly allowable over the cited prior art. In addition, Claims 21 depends from independent claim 20 and, as such, are in allowable condition since claim 20 is clearly allowable over the cited prior art.

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Serial No.: 10/599,637
Amendment A

Therefore, claims 1-5 and 8-22 of the present application are now in condition for allowance. In light of the aforementioned amendments and discussion, Applicant respectfully submits that the application is now in condition for allowance.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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